City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3016464

Applicant Name: Michael Medina of Graphite Design Group

Address of Proposal: 2202 8th Avenue

SUMMARY OF PROPOSAL

Land Use Application to allow a 40-story building containing 447 dwelling units, above 7,367 sq. ft. of retail space at ground level. Parking for 382 vehicles below grade to be provided. Project also includes 61,700 cubic yards of grading.

The following approvals are required:

Design Review pursuant to Chapter 23.41, Seattle Municipal Code, with Departures:

Development Standard Departure to decrease minimum depths of residential amenity areas. (SMC 23.48.020.C.3)
Development Standard Departure to exceed a maximum Green Street podium height on Blanchard Street. (SMC 23.49.058.F.2)
Development Standard Departure to exceed a maximum tower width parallel to 8th Avenue. (SMC 23.49.058.D.2.a)
Development Standard Departure to exceed a maximum ground level setback at the Blanchard and 8th corner. (SMC 23.49.056.B.2.d)

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: [ ] Exempt [ ] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

Site:

Site Zone: DMC 240/290-400

Nearby Zones: (North) DMC 240/290-400
(South) DMC 240/290-400
(East) DMC 240/290-400
(West) DMC 240/290-400

Lot Area: 19,426 sq.ft.

Site Development:

The site is currently a surface parking lot.

Access:

Pedestrian access from the two adjacent streets of Blanchard and 8th Avenue. The adjacent through-block alley to the east provides vehicular access to the site, and to the existing mixed use building on the adjacent half block. Blanchard Street adjacent to the south is a designated Green Street.

Surrounding Development and Neighborhood Character:

The mixed use block of 2201 9th Avenue (offices)/ 820 Blanchard (Enso condominiums) is to the east across the alley. A 7 story hotel and one-story commercial building occupy the adjacent lots to the north. A three-story apartment and parking lots are across 8th Avenue to the west. A four story commercial structure is across Blanchard Street to the south. The surrounding neighborhood is rapidly transforming from parking lots and mixed commercial buildings of various scales, to a high density, mixed use district adjacent to the downtown core, including several residential towers and the 3 million sf Amazon campus nearby to the south.

Environmentally Critical Areas (ECA's):

None.

I. ANALYSIS – DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: February 18, 2014
DESIGN PRESENTATION

The EDG packet includes materials presented at the EDG meeting, and is available online by entering the project number at this website:
http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp
or contacting the Public Resource Center at DPD:

Address: **Public Resource Center**
700 Fifth Ave., Suite 2000
Seattle, WA 98124

Email: PRC@seattle.gov

PUBLIC COMMENT:

During public comment, speakers raised the following comments, issues and concerns:

- Concerned about loss of light and air to residential units across the alley (fully understands private views are not protected), especially at the lower levels on the alley and at the tower 'pinch point' where an existing unit is about 25 ft from proposed tower; requested the proposed tower (any shape) shift west or reduce in size to provide more spacing.
- Concerned about loss of sunlight to the existing plants and usability of the sole Enso amenity deck, located on level six mid-block on the alley; requested more detailed sun/shadow studies and possibly adjusted podium heights to afford sunlight to that shared amenity.
- Stated that loading and parking access off the alley will compound an already congested alley, with time delays and heavy truck loading into the adjacent 2201 office loading docks; and therefore suggested access off 8th Avenue [Staff Note: alley access is code required].
- Stated the alley is already congested, that the new residential vehicles will compound that and requested the proposed parking quantity be reduced [Staff Note: there is no code minimum or maximum parking requirement].
- Supported the shape, character and orientation of the preferred elliptical tower, because it is distinctive from the numerous rectilinear buildings in the vicinity.

FINAL RECOMMENDATION MEETING: November 4, 2014
DESIGN PRESENTATION

The RECOMMENDATION booklet includes materials presented at the meeting, and is available online by entering the project number at this website:
http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp
or contacting the Public Resource Center at DPD:

Address: **Public Resource Center**
700 Fifth Ave., Suite 2000
Seattle, WA 98124

Email: PRC@seattle.gov

PUBLIC COMMENT:

During public comment, speakers raised the following comments, issues and concerns:

- Concerned about impacts to light and air for residential units across the alley (fully understands private views are not protected), especially at the lower levels on the alley and at the tower 'pinch point' where an existing unit is about 25 ft from proposed tower.
- Supports the elliptical form as preferred to a square box, but concerned the materials are largely gray, and encouraged more blue or other colors.
- Does not support the proposed privacy glass along the alley, as the permanent louvers would be too reflective and not adjustable.
- Concerned about loss of sunlight to the existing plants and usability of the Enso amenity deck, located on level six mid-block on the alley.
- Concerned about safety and pedestrian sight lines at the alley and Blanchard sidewalk.
- Supported retention of mature street trees, and maximizing sidewalk widths for pedestrians.
- Supported the elliptical tower and gently curved podium facades.

PRIORITIES & BOARD RECOMMENDATIONS

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members (the Board) provided the following siting and design guidance. The Board identified the following Downtown Design Guidelines of **highest priority for this project**.

The Priority Downtown guidelines are summarized below, while all guidelines remain applicable. For the full text of all guidelines please visit the Design Review website, and: http://www.seattle.gov/dpd/aboutus/whoweare/designreview/designguidelines/default.htm

All page references below are to the Recommendation booklet dated November 04, 2014.

Site Planning & Massing

Responding to the Larger Context

A-1 **Respond to the Physical Environment.** *Develop an architectural concept and compose the building's massing in response to geographic conditions and patterns of urban form found beyond the immediate context of the building site.*

At the Early Design Guidance Meeting, the Board applauded the complete context analysis and how it informed the massing options, and the Board endorsed the preferred elliptical tower as an appropriate response to the pivotal location in a building context largely rectilinear. The tower also creates a pleasing ensemble with the adjacent 2201/Enso building when viewed from the Denny/Westlake gateway. The physical model was an excellent tool to further Board understanding and support.

At the Final Recommendation Meeting, the Board reiterated support for the context response and elliptical tower form, and added that the gentle curves of the podium were a suitable transition to grade, along with their comments about the residential lobby and podium corner under B-4 and C-2.

A-2 **Enhance the Skyline.** *Design the upper portion of the building to promote visual interest and variety in the downtown skyline.*

At the Early Design Guidance Meeting, the Board supported the preliminary rooftop design shown on pages A-23/24, including the layered and tapered screens, shared amenity decks, and concealed mechanical. These elements result in a better form than a pure extrusion, and provide residential scale and a distinctive gracious transition to the sky, and might include vegetation and a restrained, sophisticated lighting treatment that utilizes the tall screens.

At the Final Recommendation Meeting, the Board focused on the tower top, and agreed the spirals of the mechanical screen should not merge with the glass tower cladding, as shown on page 59. The Board supported the two sloping spirals of the mechanical screens, and agreed they should all recess back from the tower parapet. The Board agreed the spire should be connected to the building, and not become

taller or more free-standing. The top should be revised accordingly and per the condition on the last page. The Board supported the muted rooftop lighting option, and the vertical edge/spire should be subtly lit, and not be a bright, radiating light source.

Architectural Expression

Relating to the Neighborhood Context

B-1 **Respond to the Neighborhood Context –** *Develop an architectural concept and compose the major building elements to reinforce desirable urban features existing in the surrounding neighborhood.*

At the Early Design Guidance Meeting, the Board applauded the applicants for being unusually sensitive to the adjacent residential tower, and for the light and air benefits the elliptical tower affords them. The Board did not suggest further rotating, shifting or reductions in the tower plan, but did advise the fenestration, glass and material composition on the facades facing the neighbors be carefully considered for privacy and measured winter light reflectivity.

The Board did request the east and north portions of the podium be carefully studied and adjusted to allow reasonable sun access to the adjacent amenity deck. In service to this, the Board requested large scale sections through both podiums, and more zoom-in sun/shadow studies of this area, including a full range of times and dates. The Board agreed that while it is unfortunate the Enso amenity deck was located in a low, mid-block location, it cannot completely dictate the forms adjacent.

At the Final Recommendation Meeting, the Board applauded the careful sectional privacy studies, the stepping podium walls along the alley, and the reduced window areas shown along the alley frontages (pg 61). To respect the adjacent uses, these features should be maintained., but the Board did not support the use of the proposed privacy glass, with its permanently fixed and reflective louvers. Interior adjustable blinds and/or drapes should be sufficient to manage privacy at these locations.

B-3 **Reinforce the Positive Urban Form & Architectural Attributes of the Immediate Area .** *Consider the predominant attributes of the immediate neighborhood and reinforce desirable siting patterns, massing arrangements, and streetscape characteristics of nearby development.*

At the Early Design Guidance Meeting, the Board endorsed the ground floor plan shown and how it supports the pedestrian life and streetscape of the vicinity. The podium form and massing is addressed under B-4 below, and other refinements to the ground floor are noted under guidelines C-1 and D-6.

At the Final Recommendation Meeting, the Board endorsed the ground floor plan, podium massing and streetscape refinements as presented, with comments found under other guidelines.

B-4 **Design a Well-Proportioned & Unified Building.** *Compose the massing and organize the publicly accessible interior and exterior spaces to create a well-proportioned building that exhibits a coherent architectural concept. Design the architectural elements and finish details to create a unified building, so that all components appear integral to the whole.*

At the Early Design Guidance Meeting, the Board supported the stepped podium, the residential lobby location and the slot interlocking it with the tower above. However, the highly visible podium form defining the corner commercial and the two floors above deserves more study. The Board endorsed the recessed corner and visible amenity decks above, but the repeated ellipse shapes and abrupt edge to the alley need further refinement. The lobby frontage should have a distinct form or recess at the ground level, not blurred with a commercial storefront as shown.

At the Final Recommendation Meeting, the Board endorsed the basic podium forms and heights, and did not support any variations in the profile or heights shown. The Board appreciated the perspectives and studies provided, and agreed there were a few too many individual gestures that detracted from the design clarity. While maintaining the gentle curves of the south podium, and the deeply recessed ground floor at the corner, the Board recommended elimination of the southwest triangular 'prow' element, as a condition on the last page.

The Streetscape

Creating the Pedestrian Environment

C-1 **Promote Pedestrian Interaction.** *Spaces for street level uses should be designed to engage pedestrians with the activities occurring within them. Sidewalk-related spaces should be open to the general public and appear safe and welcoming.*

At the Early Design Guidance Meeting, the Board supported the tall, highly transparent commercial façades shown along 8th and Blanchard. To improve pedestrian engagement and flexibility for tenants over the long term life of the building, the Board advised more commercial doors be added along the Blanchard frontage.

At the Final Recommendation Meeting, the Board understood the plan and slope constraints along Blanchard and thus supported the stepped planters and glass into the lower bicycle storage as shown on pg 62, animating the sidewalk. If future revisions take place, the Board supported the introduction of a door and interior stairs along Blanchard near the southeast recess (even if modifying the bike storage ceiling slightly but retaining all glass), leading up to the southwest corner commercial level.

The Board supported the recessed corner patio, walls, planters and landscape design as shown on pg 38. To support the primary retail orientation to 8th avenue, the Board requested additional wide doors be added near the southwest corner of the south retail, and also be ensured in the middle of the north retail storefront (pg 35). See conditions on last page.

C-2 **Design Facades of Many Scales**. *Design and architectural features, fenestration patterns, and material compositions that refer to the scale of human activities contained within. Building facades should be composed of elements scaled to promote pedestrian comfort, safety and orientation.*

At the Early Design Guidance Meeting, the Board discussed how several precedent images were promising and implied a sophisticated, staggered or woven cladding system. The Board encouraged exploration of a composition and materiality that richly integrates balconies, does not look like an office, and perhaps reflects the spiraling, layered parti (rather than the typical horizontal datums). The tower and podium compositions should represent a transition from skyline scale to street/pedestrian scales, and not assume an identical language throughout.

At the Final Recommendation Meeting, the Board agreed the tower displayed a sophisticated materiality and composition, with the recessed balconies playing a key role. The podium forms employed distinct materials and patterns, but the Board agreed a greater presence of the tower materials and form should reach grade at the residential lobby entrance, and that entrance deserves more linear frontage at the street. See the conditions on the last page for more description.

C-6 **Develop the Alley Façade.** *To increase pedestrian safety, comfort, and interest, develop portions of the alley façade in response to the unique conditions of the site or project.*

At the Early Design Guidance Meeting, the Board agreed the alley facades of the podium (largely made up of small studios) should be carefully designed with sensitivity to the specific windows and living spaces of the adjacent Enso units, and they should include offsets, angles, and other devices to limit eye-to-eye privacy issues across the alley.

At the Final Recommendation Meeting, the Board supported the stepped profile along the alley, but did not support the use of the proposed privacy glass, with its permanently fixed and reflective louvers. Interior adjustable blinds and/or drapes should be sufficient to manage privacy at these locations.

Public Amenities

Enhancing the Streetscape & Open Space

D-2 **Enhance the Building with Landscaping.** *Enhance the building and site with substantial landscaping—which includes special pavements, trellises, screen walls, planters, and site furniture, as well as living plant material.*

At the Early Design Guidance Meeting, the Board agreed the proposed landscape treatment on the two streets (pg A-35) appears promising, but will likely get revised as more refinement of the podium and ground floor proceeds per guidelines B-4 and C-2. The Board applauded the depth and height of commercial spaces shown, and how the corner commercial spills out onto a widened sidewalk with café seating and excellent south sun access.

At the Final Recommendation Meeting, the Board supported the 8th Avenue streetscape and landscape design shown on pg 35-42, especially the corner treatment and relocated signal cabinet. If future curb adjustments or other changes occur along Blanchard, the Board fully supported that any extra dimension be given to increasing the width of the sidewalk paving, larger than its currently proposed 6-8 ft.

D-6 **Design for Personal Safety and Security.** *Design the building and site to enhance the real and perceived feeling of personal safety and security in the immediate area.*

At the Early Design Guidance Meeting, the Board discussed how the proposed corner at the alley appears to be opaque and flush to both property lines, and thus restricts visibility between vehicles and pedestrians. To improve sightlines and safety at this busy corner, shift the stair and any shafts inboard, and/or make the corner transparent glass which improves safety, and affords more visibility into the adjacent retail from Blanchard and Westlake Avenue.

At the Final Recommendation Meeting, the Board supported the transparent building corner at the alley and Blanchard Street, as shown on pg 27 and 62.

Vehicular Access & Parking

Minimizing the Adverse Impacts

E-2 **Integrate Parking Facilities.** *Minimize the visual impact of parking by integrating parking facilities with surrounding development. Incorporate architectural treatments or suitable landscaping to provide for the safety and comfort of people using the facility as well as those walking by.*

At the Early Design Guidance Meeting, the Board supported the offset of the proposed parking ramp as far as possible from the existing one across the alley, to reduce vehicle conflicts. They also advised no audible alarms or excess noise generators or fans be located along the alley, adjacent to the existing residential podium.

At the Final Recommendation Meeting, the Board supported the ramps and service bay locations shown on pg 49, with the parking ramps well-offset from the ones opposite. The Board also supported the alley elevation and materials shown on pg 61, and advised the use of honed CMU.

DEVELOPMENT STANDARD DEPARTURES

The Board's recommendation on any requested departure(s) will be based upon the departure's potential to help the **project better meet these design guideline priorities** and achieve a better overall design than could be achieved without the departure(s). The Board's recommendation will be reserved until the final Board meeting.

At the time of the Final Recommendation meeting, the following departures were requested:

1. **Required 15ft Depth of Residential Amenity Areas (SMC 23.48.020.C.3):** The Code requires a minimum depth of 15 ft for all residential amenity areas that can be counted toward the required amount. Due to the curving forms, the applicant proposes varying depths

greater and less than 15 ft at three locations: level 6, level 7, and roof. The majority of areas in all three locations is 15 ft or greater.

The Board agreed the areas with increased depth beyond 15 ft (52% at level 6; 88% at level 7; 71% at the roof) offset the portions less than 15 ft, and the areas less than 15 ft continued the curving forms and thus promoted guidelines B-4 and D-1.

The Board unanimously recommended that DPD grant this departure.

2. **Upper Level Setbacks (Blanchard Street podium) (SMC 23.49.058.F.2):** The Code requires a continuous 15 ft setback above 45 ft on the entire frontage of the Blanchard Green Street. The applicant proposes a podium height that exceeds 45 ft on the east portion of the Green Street; a triangular portion 79 ft long and tapering from 45 to 50 ft-7" at the tallest point along Blanchard.

   The Board agreed the continuous and level podium cap, rather than a stepped form, is in scale with the context and the slightly taller portion on the north side of the street has no impact on Green Street light and air. The podium design is about 40 ft at the signature corner and creates a more cohesive overall design. (A-1, B-1, B-4)

   The Board unanimously recommended that DPD grant this departure.

3. **Maximum Tower Width (SMC 23.49.058.D.2.a):** The Code requires a maximum tower width above 85 ft of 120 ft, measured parallel to the avenue property line, no matter the building shape. The applicant proposes an elliptical tower shape, which measures 149 ft wide at its maximum curved ends.

   The Board agreed the elliptical shape creates a better context response and reduces shadow impacts, plus the proposed elliptical tower footprint area is equal or less than a code-compliant rectilinear version. The tower shape is an overall better design and supports guidelines A-1, A-2, B-1, B-3 and B-4.

   The Board unanimously recommended that DPD grant this departure.

4. **Façade Setback Limits (SMC 23.49.056.B.2.d):** The Code requires the maximum ground level façade setback at intersections to be 10 ft from the street property lines, and this must be met for the first 20 ft along each street property line. The applicant proposes the recessed and curved corner retail setback in a manner that results in a 25 sq ft portion that is greater than the 10 ft requirement.

   The Board agreed the widened patio and pedestrian interaction at this valuable southwest corner is enhanced by the curved shape and slightly larger setback, and promotes guidelines B-3, C-1 and D-3.

   The Board unanimously recommended that DPD grant this departure.

BOARD RECOMMENDED CONDITIONS

The recommendation summarized below was based on the design review booklet dated November 04, 2014, and the materials shown and verbally described by the applicant at the November 04, 2014 Design Recommendation meeting (unless a condition below, the design

should not change, especially aspects explicitly noted in the above narrative, which the applicant should carefully read through).

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities and reviewing the materials, the five Design Review Board members recommended APPROVAL of the subject design and departures, with the following conditions (Guidelines referenced): These conditions should be resolved prior to MUP issuance.

1) **Increase Tower Presence to Grade and Enhance the Residential Lobby:** Increase the width of the tower portion and materiality that reaches grade along 8th Avenue, and carry this up through levels 2-4 to create a stronger sense of the lobby entrance. (C-4)

2) **Podium Refinement:** Eliminate the triangular 'prow' element at the southwest podium corner, but retain the gently curving podium facades, which should display a material, color and or patterning distinct from the tower facades nearby. (B-4, C-2)

3) **Retail Doors:** Add another wide door opening to the southwest corner of the corner retail to further activate the adjacent patio, and ensure a wide double door set is located in the middle of the north retail façade, to activate that portion of sidewalk. (C-1)

4) **Tower Top & Spire:** Offset the spiral mechanical screen from the tower façade below on the Blanchard Street side, so the tower parapet and materials are not merged or confused with the screen (the tower parapet and railing are continuous around the perimeter, even if including offsets or notches). Also, tie the proposed spire into the screen and/or railing, without increasing its height, mass or visual presence. (A-2)

5) **Lighting of Fin, Spire & Mechanical Screen:** Ensure the edge lighting feature of the fin/spire is subtle and dimmable, and the mechanical screen is muted as shown on pg 71, upper right, and contains no up-lighting or excess light pollution. (A-2)

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

a. Reflects inconsistent application of the design review guidelines; or
b. Exceeds the authority of the Design Review Board; or
c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or
d. Conflicts with the requirements of state or federal law.

Subject to the recommended conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.
At the conclusion of the Recommendation meeting held on November 04, 2014, the Board recommended approval of the project with the following conditions:

1) **Increase Tower Presence to Grade and Enhance the Residential Lobby:** Increase the width of the tower portion and materiality that reaches grade along 8th Avenue, and carry this up through levels 2-4 to create a stronger sense of the lobby entrance.

2) **Podium Refinement:** Eliminate the triangular 'prow' element at the southwest podium corner, but retain the gently curving podium facades, which should display a material, color and or patterning distinct from the tower facades nearby.

3) **Retail Doors:** Add another wide door opening to the southwest corner of the corner retail to further activate the adjacent patio, and ensure a wide double door set is located in the middle of the north retail façade, to activate that portion of sidewalk.

4) **Tower Top & Spire:** Offset the spiral mechanical screen from the tower façade below on the Blanchard Street side, so the tower parapet and materials are not merged or confused with the screen (the tower parapet and railing are continuous around the perimeter, even if including offsets or notches). Also, tie the proposed spire into the screen and/or railing, without increasing its height, mass or visual presence.

5) **Lighting of Fin, Spire & Mechanical Screen:** Ensure the edge lighting feature of the fin/spire is subtle and dimmable, and the mechanical screen is muted as shown on pg 71, upper right, and contains no up-lighting or excess light pollution.

Five members of the Downtown Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Response to Recommended Design Review Conditions:

1) The applicant increased the width of tower presence to the street. The proposal meets recommended condition #1.

2) The applicant revised the specified element and adjacent facades. The proposal meets recommended condition #2.

3) The applicant added doors at the specified locations. The proposal meets recommended condition #3.

4) The applicant revised the mechanical screen and associated rooftop elements. The proposal meets recommended condition #4.

5) The applicant revised the rooftop and spire lighting. The proposal meets recommended condition #5.

The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

DECISION – DESIGN REVIEW

The Director accepts the Design Review Board's recommendations and CONDITIONALLY APPROVES the proposed design and the requested departures with the conditions summarized at the end of this Decision.

II. ANALYSIS – SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), Washington Administrative Code 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant, received date May 14, 2014. The Department of Planning and Development (DPD) has annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the project file submitted by the applicant or it's agents; and any pertinent comments which may have been received regarding this proposed action have been considered. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations.

Under such limitations/circumstances, mitigation can be considered. Thus a more detailed discussion of some of the impacts is appropriate.

Public Comments:

The SEPA public comment period for #3016464 ended on June 18, 2014; a few SEPA comments were received.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes construction-related noise, air quality, greenhouse gas, construction traffic and parking impacts, as well as mitigation.

Noise

Noise associated with construction of the buildings could adversely affect surrounding uses in the area, which include residential uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities, in particular the residences existing across the street to the north and to the south. Due to the proximity of the project site to residential uses, the hours of construction noise permitted in Downtown zones, the amount of proposed grading, and the number of sites under construction in the immediate vicinity, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts to residential uses near the site. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7:00 A.M. to 6:00 P.M. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9:00 A.M. and 6:00 P.M. Once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, and weather protection may occur outside these hours.

If the applicant intends to work outside of the limits of non-holiday weekdays between 7am and 6pm, the applicant will submit a **Construction Noise Mitigation Plan (CNMP)**. This plan will include steps 1) to limit noise decibel levels and duration and 2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD. This CNMP is outlined in SEPA Condition #1 on the last pages of this document.

Air Quality

Construction for this project is expected to add temporarily particulates to the air that will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC).

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. This will assure proper handling and disposal of asbestos , therefore no further mitigation is warranted for this item..

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Construction Traffic and Parking

Duration of construction of the structures may last approximately 30 months. During construction, parking demand will increase due to additional demand created by construction personnel and equipment. It is the City's policy to minimize temporary adverse impacts associated with construction activities and parking (SMC 25.05.675 B and M).

The construction of the project will have short term adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction a temporary increase in traffic volumes to the site will occur, due to travel to the site by construction workers and the transport of construction materials. To minimize impacts to proximate short term on-street public parking, a **Construction Worker Parking Plan** is required per SEPA Condition #3 on the last pages of this document. The Construction Worker Parking Plan should identify the following, and is subject to approval by DPD:

1. Peak number of construction workers anticipated on site during the duration of construction,
2. Location of nearby public or private parking lots/garages that could be used by construction workers coming to the site,
3. Total Number of publicly available parking spaces per lot,
4. Efforts to reduce the number of construction worker vehicular trips, such as carpooling and transit, and
5. Identify month/year date when construction workers may begin parking in the parking levels to be constructed with this development.

Approximately 62,000 cubic yards of soil are expected to be excavated from the project site. The soil removed for the structure will not be reused on the site and will need to be disposed off-site. Excavation and construction materials will require numerous truck trips, in a location constrained by busy streets on all sides.

Considering the volume of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Therefore,large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 4:00 PM on weekdays. This must be included in the **Construction Traffic Management Plan (CTMP),** as outlined in SEPA Condition #2 on the last pages of this document.

Truck access to and from the site shall be documented in a **Construction Traffic Management Plan**, to be submitted to DPD and SDOT and approved by SDOT prior to the issuance of any demolition, grading or construction permits. This plan shall include how pedestrian connections around the site will be maintained during the construction period. The Plan shall also include Construction Haul Routes for expected excavation of soils. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal.

An existing loading dock and parking ramp is located on the alley opposite the site, with sizable peak hour volumes from that adjacent office use. To ensure truck movements for the project construction create minimal conflicts with the adjacent alley circulation, the applicants or contractors shall coordinate with the operators of the loading dock and ramps. This coordination is addressed by SEPA Condition #6 on the last pages of this document.

Long –term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: greenhouse gas emissions; parking; potential blockage of designated sites from the Scenic Routes nearby; possible increased traffic in the area. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

However, greenhouse gas emissions; views from scenic routes; height, bulk and scale; traffic and transportation; and parking impacts warrant further analysis.

Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project construction and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant; therefore, no further mitigation is warranted.

Westlake Avenue Scenic Route

The site is 100 ft from the SEPA designated Scenic Route of Westlake Avenue, but the proposed buildings will not block public views from that route of any of the SEPA designated features.

Height, Bulk & Scale

The project #3016464 went through a Design Review process which addressed the issue of Height, Bulk & Scale; see the above Design Review Analysis for details of the process and design changes.

Pursuant to SEPA Policy 25.05.675.G.2.c: Height, Bulk and Scale, "the Citywide Design Guidelines (and any Council-approved, neighborhood Design Guidelines) are intended to mitigate the same adverse height, bulk and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review process is presumed to comply with the height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence

that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk and scale policies that have undergone design review shall comply with the design guidelines applicable to the project."

Additional SEPA Mitigation of height, bulk and scale is not warranted.

Transportation

A transportation impact analysis dated July 8, 2014, and an Update Memo dated February 23, 2015 were prepared for the project by Heffron Transportation. Based on rates from the Institute of Transporation Engineers (ITE) Trip Generation manual the analysis reports the proposed uses will generate 1,320 net new weekday daily trips, and 93 AM peak-hour trips and 120 PM peak-hour trips. These forecasts are adjusted to reflect local conditions, which provide substantial opportunities for transit, walking, and bicycle usage.

Heffron also analyzed Transportation Concurrency per the City of Seattle, and the traffic generated by the project does not exceed the stipulated thresholds. The vehicle traffic that the project is forecast to generate is within the capacity of the nearby roadway system, and the project is not expected to have substantial adverse transportation impacts.

An existing loading dock and parking ramp is located on the alley opposite the site, with sizable peak hour volumes from that adjacent office use. The project includes an internal loading dock off the alley, but to ensure that long term truck movements for the project generate minimal conflicts with the adjacent alley circulation, the building management for the proposed development shall coordinate with the operators of the adjacent loading dock and ramps. This coordination is addressed by SEPA Condition #7 on the last pages of this document.

The project will also mitigate traffic impacts by participating in the City of Seattle SDOT Active Traffic Management project for the Denny Way corridor, as described in TIP 243. Pursuant to that mitigation payment system, the project proposes to pay a pro rata contribution of $2,780 in order to help reduce project transportation impacts. Per condition #4, this fee shall be paid prior to the final building permit issuance, consistent with DPD business rules.

Parking

The project's traffic consultant, Heffron, estimated that the peak parking demand rate for the residential uses for this project would be approximately 360 vehicles. The commercial uses are estimated to generate 20 spaces demand. The total parking demand is therefore 380 spaces; the proposed 382 total spaces will accommodate this peak demand. No adverse parking impacts are anticipated from this project, and no authority is provided to mitigate parking impacts in Downtown zones, per SMC 25.05.675.M.

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans which were outcomes of the Design Review process; reviewed additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the

checklist and this analysis, this action will result in probable adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant, given the conditions and mitigations contained herein.

DECISION - STATE ENVIRONMENTAL POLICY ACT (SEPA)

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS.

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Demolition, Grading, or Building Permit

1. If the applicant intends to work outside of the limits of non-holiday weekdays between 7am and 6pm, the applicant will submit a Construction Noise Mitigation Plan (CNMP). This plan will include steps: 1) to limit noise decibel levels and duration and 2) procedures for advanced notice to surrounding properties. The plan will be subject to review and approval by DPD.

2. The applicant shall provide DPD with a copy of a **Construction Traffic Management Plan**, including **Construction Haul Routes**, both aspects approved by Seattle Department of Transportation. The plan shall note that large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 4:00 PM on weekdays.

3. A Construction Parking Plan, approved by the Land Use Planner (Garry Papers: garry.papers@seattle.gov or 206-684-0916), shall be required. The plan should identify the following:
   a. Peak number of construction workers anticipated on site during the duration of construction,
   b. Location of nearby public or private parking lots/garages that could be used by construction workers coming to the site,
   c. Total Number of publicly available parking spaces per lot,

d. Efforts to reduce the number of construction worker vehicular trips, such as carpooling and transit, and
e. Identify month/year date when construction workers may begin parking in the parking levels to be constructed with this development.

Prior to Issuance of a Final Architectural Building Permit

4. The applicant shall make a pro rata mitigation payment pursuant to TIP 243 in the amount of $2,780 to the City of Seattle.

During Construction

5. Construction activities (including but not limited to demolition, grading, deliveries, framing, roofing, and painting) shall be limited to non-holiday weekdays from 7am to 6pm. Interior work that involves mechanical equipment, including compressors and generators, may be allowed on Saturdays between 9am and 6pm once the shell of the structure is completely enclosed, provided windows and doors remain closed. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition. This condition may be modified through a **Construction Noise Management Plan**, required prior to issuance of a building permit as noted in condition #1.

6. The applicants or contractors shall coordinate with the operators of the loading dock and ramps across the alley from this site.

For the Life of the Project

7. The building management for 2202 8th Avenue shall coordinate with the operators of the loading dock and parking ramps on the opposite side of the alley, to ensure vehicle movements in the alley are organized, and project moving trucks are scheduled to minimize conflicts and congestion, particularly at morning and afternoon peak times.

DESIGN REVIEW - CONDITIONS FOR APPROVAL

For the Life of the Project

8. Materials, colors, and all other aspects of the approved design shall be consistent with those presented at the design recommendation meeting and the Master Use Plan sets. Any change to materials, colors, or other aspects of the approved design **shall require prior approval by the Land Use Planner** (Garry Papers 206-684-0916 or garry.papers@seattle.gov).

Prior to Certificate of Occupancy

9. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the Master Use Plan sets. Any change to the proposed design, materials, or colors **shall require prior approval by the Land Use Planner** (Garry Papers 206-684-0916 or garry.papers@seattle.gov).

10. The applicant shall provide a Landscape Checklist from Director's Rule 10-2011indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit **shall be approved by the Land Use Planner prior to landscape installation** (Garry Papers 206-684-0916 or garry.papers@seattle.gov).

Signature: retagonzales-cupneutubby for Date: March 12, 2015

Garry Papers
Senior Land Use Planner
Department of Planning and Development

GP:rgc
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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.